

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>MATTHEW RAY WYATT, 42575-177,</b>	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:11-CV-3064-N</b>
	)	
<b>UNITED STATES OF AMERICA, ET AL.,</b>	)	
<b>Respondents.</b>	)	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b), and an order of the District Court in implementation thereof, this has been referred to the United States Magistrate Judge. The findings, conclusions and recommendation of the Magistrate Judge are as follows:

**FINDINGS AND CONCLUSIONS:**

**Type of Case:** This is a *pro se* petition for habeas corpus relief brought by a pre-trial detainee pursuant to 28 U.S.C. § 2241.

**Parties:** Petitioner is currently incarcerated at the United States Medical Center for Federal Prisoners (“USMCFP”) in Springfield, Missouri. Respondents are the United States, Attorney General Eric Holder, Special Assistant Attorneys, United States Attorneys, Warden Castillo, Warden Tamez, Warden Cruz and the Psych/General Population Staff.

**Statement of Case:** On December 15, 2010, Petitioner was indicted in the Northern District of Texas for bank robbery. *United States v. Wyatt*, 3:10-CR-347-N (N.D. Tex.). On April 20, 2011, the Court found Petitioner incompetent to proceed, and ordered that he be committed pursuant to 18 U.S.C. § 4241(d) to determine whether he may attain the capacity to proceed in the foreseeable future. On June 16, 2011, Petitioner arrived at the USMCFP for

treatment pursuant to 18 U.S.C. § 4241(d). Petitioner currently remains at USMCFP.


Petitioner complains about his detention and treatment during his incarceration. He also appears to contest the outcome of his competency hearing. He states he wishes to plead not guilty under diminished capacity to his pending federal criminal charges.

Findings and Conclusions: Petitioner has filed an identical complaint in the United States District Court for the Western District of Missouri, Southern Division. *See Wyatt v. United States*, No. 11-3438-CV-S-RED-H. Respondents have filed an answer in that case, and Plaintiff has filed a reply. The case is currently pending. This Court therefore finds that this petition should be dismissed without prejudice as duplicative.

RECOMMENDATION

For the foregoing reasons, the Court recommends that the petition for writ of habeas corpus be dismissed without prejudice as duplicative.

Signed this 7<sup>th</sup> day of February, 2012.

  
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PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE

NOTICE

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).